

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Shlomo Ben-Haim et al. : Confirmation No.: 3830
Application No.: 10/001,710 : Art Unit: 9762
Filing Date: October 31, 2001 : Examiner: C.H. Layno
For: Electrical Muscle Controller

MAR 07 2005
OFFICE OF PETITIONS

March 4, 2005

Via Hand-Delivery

Mail Stop: Office of Petitions
600 Dulany Street
Madison West Building
Alexandria, VA 22313

Petition To Withdraw From Issuance Under 37 C.F.R. §1.313(c)

SIR:

Applicants hereby petition under 37 C.F.R. §1.313(c) for withdrawal from issuance. A third supplementary Information Disclosure Statement is enclosed for further consideration.

Approval of this petition and a new Notice of Allowance are respectfully requested.

03/08/2005 AKELLEY 00000017 10001710


01 FC:1464

130.00 OP

A Petition Fee Transmittal and a check in the amount of \$130.00 are attached.
Any additional fee deemed due should be charged to our **Deposit Account No. 50-1592**.

Respectfully submitted,

March 4, 2005


William H. Dippert
Registration No. 26,723

Reed Smith LLP
29th Floor
599 Lexington Avenue
New York, New York 10022-7650
Telephone: 212-521-5400
Facsimile: 212-521-5450
e-Mail: whdippert@reedsmith.com

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
 P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/001,710
Filing Date	October 31, 2001
First Named Inventor	Shlomo Ben-Haim
Art Unit	3762
Examiner Name	Carl Hernandez
Attorney Docket Number	501049.20506 (20066-86)

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Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1529:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- ☒ § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

William H. Dippert

William H. Dippert, Registration No. 26,723

March 4, 2005

Date

Telephone: 212-521-5400; Facsimile: 212-521-5450; e-Mail: whdippert@reedsmitth.com

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.